

### REMARKS

Applicant presents claims 21 through 37, which correspond to those presented with the Response to the Written Opinion of the IPEA for the corresponding PCT application.

Applicant respectfully submits that the conclusions in the International Preliminary Examination Report are incorrect. Applicant's claimed invention is not obvious. The *Korhonen* document includes a switch 28 that is used to "disconnect the operating power as soon as the centrifugal weights 16, 16' spread and cause the switching arm 28 to be turned by the tripping cams." The switch 28 in the *Korhonen* reference is required for operating the safety gear of that document during an overspeed condition that may occur during normal elevator operation. In other words, the switch 28 in *Korhonen* works at a speed that is higher than a normal or acceptable speed during normal operation.

Applicant's claimed switch, on the other hand, is not powered to operate during normal elevator system operation. Instead, Applicant's unique switch arrangement is selectively used only under conditions other than normal elevator system operation. This is because the switch is set to activate a braking or stopping device at an elevator speed below normal elevator car speeds (e.g., a speed used for passenger travel) during normal elevator system operation. If the switch were always powered, it would interfere with normal elevator system operation.

The *Korhonen* arrangement cannot be modified to be consistent with Applicant's arrangement without defeating the intended operation of the *Korhonen* arrangement. In other words, one could not modify the switch in the *Korhonen* reference to be consistent with Applicant's switch without defeating the safety gear operation of the *Korhonen* arrangement during normal elevator system operation conditions. Therefore, the modification is not possible under 35 U.S.C. §103 and there is no *prima facie* case of obviousness.

Applicant respectfully submits that this application is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

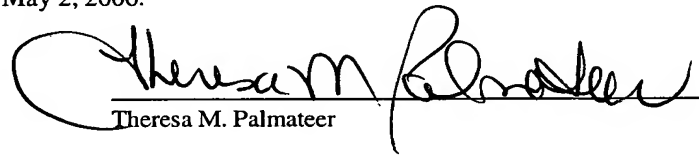
By: 

David J. Gaskey, Reg. No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: May 2, 2006

**CERTIFICATE OF MAILING**

I hereby certify that the enclosed **Preliminary Amendment** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2006.

  
Theresa M. Palmateer

N:\Clients\OTIS ELEVATOR\IP00103 PUS1\PATENT\Preliminary Amendment 5-2-06.doc